

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN DEREK LAGWAY,)
)
) **CIVIL ACTION NO.: 4:09-cv-01732**
) **Plaintiff,**)
)
)
) **V.**)
)
)
) **CITY OF CONROE, TEXAS; OFFICER**)
) **BRENT STOWE; and OFFICER ERIC**)
) **BURKE, INDIVIDUALLY,**)
)
) **Defendants.**)

PLAINTIFF'S PROPOSED JURY QUESTIONS

NOW COMES Plaintiff John Derek Lagway and proposes the following jury questions:

1. Do you find from a preponderance of the evidence that the Brent Stowe intentionally reached into Derek's pants during the search.

Answer “Yes” or “No.” _____

2. *Do you find from a preponderance of the evidence that the Derek complained about Stowe touching his private parts at the scene of the search ?*

Answer “Yes” or “No.” _____

3. *Do you find from a preponderance of the evidence that the police found no drugs on Derek or in his vehicle.*

Answer "Yes" or "No." _____

4. *Do you find from a preponderance of the evidence that Stowe had the opportunity to check Derek for the fact that he had no past criminal history.*

Answer "Yes" or "No." _____

5. *Do you find from a preponderance of the evidence that Stowe put on rubber gloves before searching in Derek's pants.*

Answer "Yes" or "No." _____

6. *Do you find from a preponderance of the evidence that Derek could reasonably believe a woman was watching when Stowe had his hands in Derek's shorts.*

Answer "Yes" or "No." _____

7. *Do you find from a preponderance of the evidence that when Derek was being searched by Stowe he was visible to many cars that were passing by on the freeway ?*

Answer "Yes" or "No." _____

8. *Do you find from a preponderance of the evidence that when Derek was detained over 45 minutes before he was searched by Stowe ?*

Answer "Yes" or "No." _____

9. *Do you find from a preponderance of the evidence that Stowe purposefully rubbed Derek's buttocks when he was searching ?*

Answer "Yes" or "No." _____

10. *Do you find from a preponderance of the evidence that Stowe purposefully rubbed Derek's penis when he was searching ?*

Answer "Yes" or "No." _____

11. *Do you find from a preponderance of the evidence that Stowe purposefully rubbed Derek's anus when he was searching ?*

Answer "Yes" or "No." _____

12. *Do you find from a preponderance of the evidence that Stowe looked down the front of Derek's shorts and looked at his genitals when he was searching ?*

Answer "Yes" or "No." _____

13. *What sum of money do you award Derek for violation of his right to be free from an unreasonable search by Brent Stowe ?*

\$ _____

14. What sum of money would fairly and reasonably compensate John Derek Lagway for his damages proximately caused by the wrongful acts of the Brent Stowe ?

Answer in dollars and cents.

Consider the following elements of damage:

Damages that were sustained in the past:

A. Physical pain and suffering \$_____

B. Mental anguish \$_____

Damages that in reasonable probability will be sustained in the future:

A. Physical pain and suffering \$_____

B. Mental anguish \$_____

15. *What sum of money do you award Derek in punitive damages for the wrongful acts of the Brent Stowe ?*

\$ _____

RESPECTFULLY SUBMITTED,
LAW OFFICE OF RANDALL L. KALLINEN

/s/ Randall L. Kallinen

Randall L. Kallinen
Admitted, U. S. 5th Circuit Court of Appeals
Admitted, U.S. Southern District of Texas
Admitted, U.S. Eastern District of Texas
State Bar of Texas No. 00790995
511 Broadway Street
Houston, Texas 77012
Telephone: 713/320-3785
E-mail: AttorneyKallinen@aol.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

A true and correct copy of the document to which this certificate is affixed has been served on the attorney(ies) and pro se parties as indicated below on September 19, 2010.

Steven D. Selbe, atty. (via ECF)
Gordon & Rees, LLP
1900 West Loop South, Suite 100
Houston, Texas 77027

/s/ Randall L. Kallinen

Randall L. Kallinen